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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,557	07/08/2003	Saturo Yamada	JP919970025US2(RE) (8728-	8603
46069	7590	01/19/2007		
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			EXAMINER KUMAR, SRILAKSHMI K	
			ART UNIT 2629	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/615,557

Applicant(s)

YAMADA ET AL.

Examiner

Srilakshmi K. Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 and 14 is/are allowed.
- 6) ☒ Claim(s) 9-13 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### DETAILED ACTION

The following is in response to the request for reconsideration filed on July 8, 2005. Claims 1-16 are pending. Claims 1-8 are original to the application and have been previously issued and published. Claims 9-16 are presented in this reissue application. Claims 15 and 16 are newly added.

#### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 9-13, 15 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With respect to independent claims 9 and 13, applicant recites the limitation "to scroll within a displayed window by manipulation of the lever input device when a third of the three buttons is depressed" is not supported by the specification. While this rejection was previously withdrawn, after further review of the cited passages of the specification (col. 12, lines 22-43, col. 14, line 56-col. 15, line 27) by the applicant in the response dated September 28, 2004, Examiner believes these cited passages do not teach one of ordinary skill in the art to reasonably conclude that when a third of the three buttons is depressed there is manipulation of the lever input device. The specification teaches where when the third button is depressed, scrolling takes

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place within the displayed window. With respect to claims 10-12, 15 and 16, these claims are also rejected under 35 USC 112, first paragraph as they depend upon a rejected base claim.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Derocher et al (US 5,914,702) in view of Siddiqui et al (US 6,097,371).

As to independent claims 9 and 13, Derocher et al disclose an information processing apparatus or a notebook computer (Fig. 1, item 10) having a display (Fig. 1, item 22), a keyboard (Fig. 1, item 18), a lever input device embedded in the keyboard (Fig. 1, item 30), and two buttons (items 26 and 28); a graphical user interface (col. 3, line 33) cooperating with said information processing system (col. 3, lines 17-26) to display a cursor at a coordinate position on the display designated by a manipulation of the lever input device (col. 3, lines 27-45), and to control system functions, wherein the lever input device, buttons and graphical user interface cooperate to activate a software program associated with a selected display icon when a first of the buttons is depressed (col. 3, lines 26-57), to display a software program characteristics when a second of the buttons is depressed (col. 3, lines 47-57, teaches where a menu can be displayed as well as the buttons may be programmed/defined by the user). Derocher et al teaches in col. 3, lines 27-57 where when the lever input device (30) is manipulated, scrolling is accomplished.

Derocher et al fail to disclose a third button, and to scroll within a displayed window when a third button is depressed. Siddiqui et al disclose an input device (Fig. 1, item 101) comprising three buttons (Fig. 1, items 104, 105 and 106). Siddiqui et al disclose scrolling within a displayed window by manipulation of the pointing device when the third button is depressed (col. 8, lines 35-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a third button as disclosed by Siddiqui et al into the device of Derocher et al as the third button enables the user to incorporate more functions into the input device.

As to dependent claim 10, limitations of claim 9, and further comprising, Derocher et al disclose wherein said information processing system is a notebook computer system (Fig. 1, item 10).

As to dependent claim 11, limitations of claim 9, and further comprising, Siddiqui et al disclose wherein the third button is disposed between the first and second buttons (Fig. 1, item 106).

As to dependent claim 12, limitations of claim 9, Siddiqui et al disclose wherein a scroll message is originated upon depression of the third button (Fig. 11a, item 282 and Fig. 11b, item 282, col. 21, lines 3-44).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 9-13, 15 and 16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

4. Claims 1-8 and 14-16 are allowed.

5. The following is an examiner's statement of reasons for allowance:

With respect to claims 1, 3, 7, 8 and 14, the prior art of record does not disclose an information apparatus having a mouse cursor display function, where the scrolling speed display means for displaying a number of speed indicators during scrolling, the number of displayed speed indicators corresponding to a relative scrolling speed set by said pointing device while scrolling data on said display screen and arranging the speed indicators in a scrolling direction relative to a center of said mouse cursor.

With respect to claims 15 and 16, the prior art of record does not disclose an information apparatus having a mouse cursor display function, wherein the cursor indicates a direction and a relative speed of scrolling within the display window, and wherein the relative speed of scrolling is indicated by displaying a number of speed indicators that corresponds to a pressure at which a user is pressing the lever input device.

Applicant illustrates in Fig. 6c, the state where the number of displayed speed indicators is changed step by step. The overall scroll period increases, and the scroll speed increases from low to middle to high speed in the downward, upward, left and right directions relative to the initial centrally located display, and where the number of speed indicators is increased to one, to two and to three. Also, as applicant indicates in the specification, while all four directions are shown in Fig. 6c, only the speed indicator corresponding to the current scrolling direction (and in a quantity corresponding to the scrolling speed) will actually appear on the desktop. This embodiment is shown in Fig. 7.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 571 272 7769. The examiner can normally be reached on 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Srilakshmi K. Kumar  
Examiner  
Art Unit 2629

SKK  
January 12, 2007

  
SUMATI LEFKOWITZ  
SUPERVISORY PATENT EXAMINER